

## **TITLE VI: TRAFFIC**

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- 61. PARKING**

## CHAPTER 60: TRAFFIC REGULATIONS

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**§ 60.01 State Uniform Code Adopted**

For the purpose of regulating traffic on the streets, alleys, and thoroughfares of the City, there is hereby adopted the Uniform Act Regulating Traffic on Highways, being Article 6701d, Vernon's Annotated Civil Statutes, and all other state motor vehicle laws, which act and laws, together with the provisions contained in this chapter, shall be controlling in the regulation of traffic in the City. A violation of said act or any state motor vehicle law for which the municipal court has jurisdiction shall constitute and be punishable as a violation of this Code of Ordinances.

**§ 60.02 Definitions**

All words and phrases in this chapter shall have the same meanings and definitions ascribed to them in the Uniform Act Regulating Traffic on Highways, being Article 6701d, Vernon's Annotated Civil Statutes, or any other state motor vehicle law or City ordinance as may be provided.

In addition, the following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

**Alley** - A public thoroughfare that ordinarily affords only a second means of access to abutting property.

**Authorized Emergency Vehicle** - Vehicles of the fire department and such ambulances and emergency vehicles of municipal department or public service corporations.

**Business District** - The territory contiguous to and including a roadway when, within any six hundred (600) feet along such roadway, there are buildings in use for business or industrial purposes, which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

**Crosswalk** - That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also means

any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Curb-Loading Zone** - A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**Freight Curb Loading Zone** - A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

**Laned Roadway** - A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

**Limited-Access Or Controlled-Access Highway** - Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

**Motor Vehicle** - Every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

**Official Time Standard** - Whenever certain hours are named herein the standard time or daylight-savings time as may be in current use in the City.

**Official Traffic-Control Devices** - All signs, signals, and markings placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

**Passenger Curb Loading Zone** - A place adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers.

**Police Officer** - Every officer of the City Police Department or an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**Private road or driveway** - Every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner but not other persons.

**Railroad** - A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

**Residence district** - The territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

**Right-Of-Way** - The privilege of the immediate use of the roadway.

**Roadway** - That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

**Safety Zone** - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**Street Or Highway** - The entire width between the boundary lines publicly maintained when any part thereof is open for the use of the public for purposes of vehicular travel.

**Traffic** - Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, are using any street for purposes of travel.

**Traffic-Control Signal** - Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop or to proceed.

**Vehicle** - Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

### **§ 60.03 General Duties of Chief of Police Relative to Traffic**

It shall be the duty of the Chief of Police to conduct analysis of traffic accidents and to devise remedial measures, to conduct investigations of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, City streets (not state-maintained highways), and to carry out the additional powers and duties imposed by this chapter and other traffic ordinances upon approval of City Council.

### **§ 60.04 Duty of Police Officers to Enforce Traffic Laws**

It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of this City and all of the state vehicle laws applicable to street traffic in this City.

### **§ 60.05 Authority of Police Officer to Direct Traffic**

Officers of the police department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

### **§ 60.06 Authority of Officers of the Fire Department to Direct Traffic**

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the fire scene or in the immediate vicinity, under the direction of the Chief of Police or designee.

### **§ 60.07 Obedience to Traffic Officers**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official given to direct or control traffic as authorized in this chapter.

### **§ 60.08 Obedience to Officer Signaling For Driver to Stop**

No person operating a motor vehicle upon a public street, alley, or other place subject to the traffic jurisdiction and laws of the City of Overton shall flee from or seek to evade a police officer, after having received an indication from such officer, either by the blinking or flashing of red lights; the sounding of a siren or whistle; motioning by the officer or any other plain and unmistakable indication that the officer is attempting to stop such person.

### **§ 60.09 Vehicle Equipment**

It shall be unlawful for any person to operate any vehicle on any street, alley or other public way in the City, unless such vehicle is equipped in accordance with all state laws governing vehicles, or to fail to use such equipment as required by such laws, or to use any equipment contrary to such laws.

### **§ 60.10 Riding on Portion of Vehicle Not Intended For Passengers**

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

### **§ 60.11 Riding Motorcycles or Motor Scooters**

A person operating a motorcycle or motor scooter shall not ride other than upon the permanent and regular seat attached thereto or carry any other person, nor shall any other person ride upon such motorcycle or motor scooter other than upon a firmly attached seat to the rear or side of the operator.

### **§ 60.12 Boarding or Alighting From Moving Vehicles**

No person shall board or alight from any vehicle while such vehicle is in motion.

### **§ 60.13 Clinging To Moving Vehicles**

No person riding upon any bicycle, motor scooter, motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

### **§ 60.14 Use of Roller Skates, Coasters, Etc., On Roadway**

No person upon roller skates, or riding in or by means of any coaster, skate board, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

### **§ 60.15 Glass, Nails, Etc., Not To Be Deposited In Street; Removal of Same**

(a) No person shall throw or deposit upon any street or alley any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such street or alley.

(b) Any person who drops or permits to be dropped or thrown upon any street or alley any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from any street or alley shall remove any glass or other injurious substance dropped upon such street or alley from the vehicle.

### **§ 60.16 Accident Reports**

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of one thousand dollars (\$1,000.00) or more shall immediately, by the quickest means of communication, either verbal or written, give notice of such accident to the police department, if such accident occurs within the City.

The police department shall receive and properly file all accident reports made to it under state law or under this section, but all such accident reports made by drivers shall be for the confidential use of the police department, and no such report shall be admissible in any civil or criminal proceedings other than upon request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the law requiring the making of such report.

The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

Such reports shall be available for the use and information of the Chief of Police.

### **§ 60.17 Accident Investigations; Studies; Arrest and Assist in Prosecution**

It shall be the duty of the police department to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Whenever the accidents at any particular location become numerous, the police department shall conduct a study of such accidents and determine remedial measures that should be taken.

### **§ 60.18 Application of Chapter to Persons Propelling Pushcarts, Riding Animals, Etc.**

Every person propelling any pushcart or riding any animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application,

### **§ 60.19 Application of Chapter to Drivers of Government Vehicles**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted herein or by state statute.

### **§ 60.20 Application of Chapter to Authorized Emergency Vehicles**

(a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except that a driver, when operating any such vehicle in an emergency or in the immediate pursuit of an actual or suspected violator of the law, except when otherwise directed by a police officer, may:

- (1) Park or stand notwithstanding the provisions of this chapter.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Disregard regulations governing direction or movement or turning in specified directions so long as he does not endanger life or property.

(b) The exemptions granted above shall apply only when the driver of the vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red lamp visible from the front as a warning to others.



### **§ 60.21 Driver's Records to Be Kept**

The police department shall maintain a suitable record of all traffic accidents, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned. Such reports shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period.

### **§ 60.22 Records of Traffic Violations**

(a) The police department and the judge of the municipal court shall keep a record of all violations of this chapter and other traffic ordinances of the City and of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five (5) year period, and, from that time on, the record shall be maintained complete for at least the most recent five (5) year period.

(b) All forms for records of traffic violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records shall be public records.

### **§ 60.23 TRUCK ROUTE**

Sections:

60.23.010 Regulated truck ban

60.23.020 Restrictions upon use of streets by certain vehicles

60.23.010 Regulated truck ban

(a) A regulated truck is any vehicle over 10,000 pounds gross vehicle weight the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire excluding school buses, emergency vehicles, duly franchised solid waste disposal and recycling vehicles and public transit vehicles. All regulated trucks are prohibited from all city streets and alleys except upon the designated truck routes set forth below and except that such vehicles may be operated on other streets and alleys only for the purpose of pick up and delivery of materials and then only by entering such street at the intersection nearest the designation of the vehicle and proceeding thereon no further than the next intersection thereafter.

(b) The following street(s) or route(s) are hereby designated as the exclusive truck routes in the city of Overton:

1. Hwy 135 North
2. Hwy 135 South;
3. Hwy 850 East;
4. Hwy 850 West;

- 5. Hwy 323
- 6. FM 3053

60.23.020 Restrictions upon use of streets by certain vehicles

The City of Overton, Texas, in the efforts to ensure the welfare, of its citizens, restricts the passage of regulated trucks on streets within the City of Overton, Texas unless for the exceptions stated in Section 60.23.010.

The following street(s) are hereby designated as restricted passage for regulated trucks:

- 1. North street; between the intersection of FM 3053 and East to the intersection of Hwy 135 (Commerce Street)

When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (*Ord No. 60.23 adopted by City Council 11-20-2007*).

**§ 60.24 Reserved**

**§60.25 Use of wireless communication devices to view, send or compose electronic messaging while operating a motor vehicle or bicycle**

(a) Definitions in this section:

- (1) **Wireless Communication Device** means a hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, global positioning or navigation system, electronic game device, or portable computing device.
- (2) **Use** means employing a wireless electronic device for the purpose of composition of an electronic message or engaging other application software.
- (3) **Operating a Bicycle** means astride a permanent seat attached to the bicycle while the bicycle is in motion.
- (4) **Authorized Emergency Personnel** means a person who is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function.

(b) The Chief of Police or her/his designee is hereby authorized to implement the applicable provisions of this Ordinance to further protect the public welfare and safety.

(c) Provisions of this Ordinance shall apply to all persons operating a motor vehicle or bicycle on public roadways within the incorporated limits of the City of Overton.

**(d) VIOLATIONS; ELECTRONIC MESSAGING WHILE DRIVING OR OPERATING A BICYCLE**

- (1) A driver of a motor vehicle may not use a wireless communication device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle.
  - (2) It is an affirmative defense to prosecution under this section if a wireless communications device is used:
    - (a) while the vehicle is stopped;
    - (b) strictly to engage in a telephone conversation, including dialing or deactivating the call;
    - (c) as a global positioning or navigation system that is affixed to the vehicle;
    - (d) for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;
    - (e) in the reasonable belief a person's life or safety is in immediate danger; or
    - (f) solely in a voice-activated or other hands-free mode.
  - (3) This section does not apply to an operator of an authorized emergency vehicle or personnel using a wireless communication device while acting in an official capacity.
  - (4) To the extent this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.
- (e) Any person, corporation, or association violating any provision of this Ordinance shall be deemed guilty of a civil offense, and upon conviction shall be punished by a fine as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances.

**Traffic Control Devices**

**§ 60.30 Conformity with Manual and Specifications of State Highway Department; Uniformity**

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the Texas Department of Transportation. All signs and signals required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

### **§ 60.31 General Powers and Duties of Chief of Police Relative to Devices**

The Chief of Police shall place and maintain traffic control signs, signals and devices when and as required under this chapter to make effective the provisions of this chapter, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this chapter or under state law, or to guide or warn traffic. It shall be the duty of the Chief of Police to supervise the installation and proper timing and maintenance of traffic-control devices.

### **§ 60.32 Designation of Crosswalks and Safety Zones and Marking Traffic Lanes**

The Chief of Police is hereby authorized:

- (1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at any intersection where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (3) To mark lanes for traffic on street pavements in such places as he may deem advisable, consistent with this chapter and other traffic ordinances of this City.

### **§ 60.33 Obedience to Devices**

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this chapter and other traffic ordinances of this City, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

### **§ 60.34 Necessity of Signs**

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

### **§ 60.35 Installation of Traffic Lights**

The chief of police, as authorized by the City Council from time to time, shall designate intersections at which traffic shall be controlled by electric traffic-control signals or lights and shall cause such signals or lights to be installed and maintained at such intersections.

### **§ 60.36 Pedestrian Walk And Wait Signals**

Whenever special pedestrian-control signals exhibiting the words "Walk" or 'Wait' are in place, such signals shall indicate as follows:

(1) Walk - Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait - No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

### **§ 60.37 Flashing Signals**

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

### **§ 60.38 Ratification of Existing Devices**

All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this Code by the police department and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

### **§ 60.39 Unauthorized Signs, Signals, Etc.**

(a) No person shall place, maintain or display upon or in view of any road, street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the

movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad signal or sign, and no person shall place or maintain nor shall any public authority permit upon any highway or street any traffic signal or sign bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to streets or highways, of signs giving useful directional information and of a type that cannot be mistaken for official signals.

(b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the City is hereby empowered to remove the same or cause them to be removed without notice.

#### **§ 60.40 Altering, Injuring, Etc., Devices**

No person shall, without lawful authority, attempt to or in fact after, deface, injure, knock down or remove any official traffic-control device or any inscription, shield or insignia thereon or any part thereof.

#### **§ 60.41 Stop Signs generally**

#### **§ 60.42 Addition of Stop Signs in the Kingsway Addition**

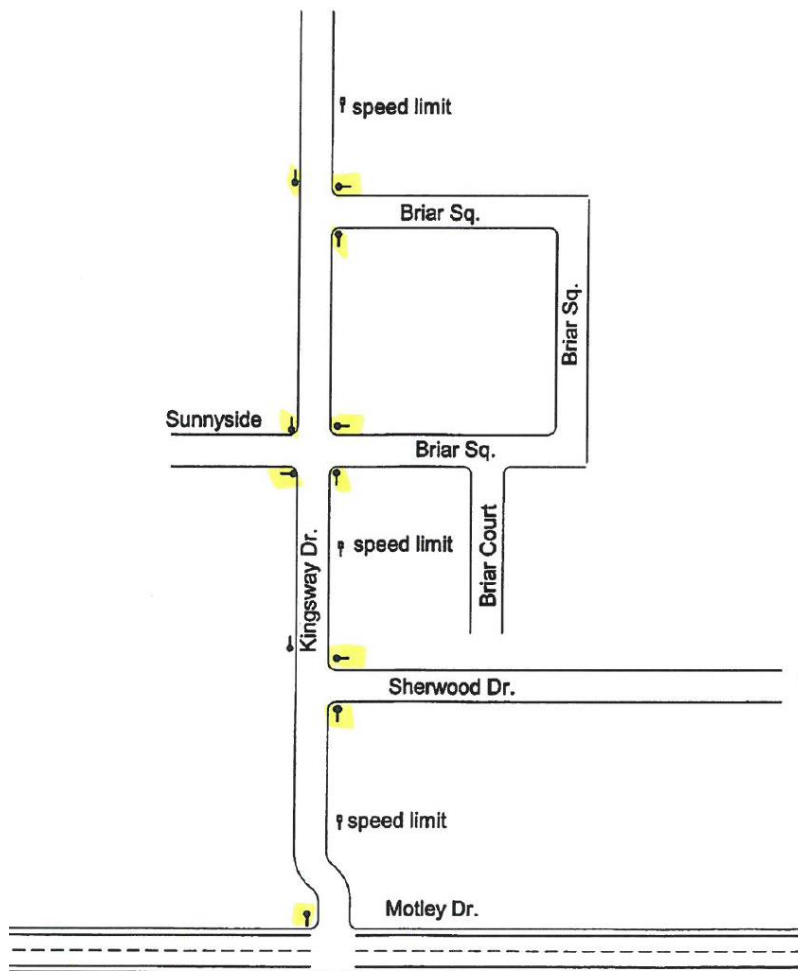
- (a) Stop signs are hereby authorized and shall be placed at the locations described on Exhibit "A," which is attached hereto and incorporated herein in full.
- (b) The operator of a vehicle approaching any stop sign authorized by this ordinance shall stop as provided by state law.
- (c) A violation of this ordinance shall be a Class C Misdemeanor punishable upon conviction by a fine as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances.

#### EXHIBIT "A" Authorized Stop Signs

1. At the southwest corner of intersection of Motley Drive and Kingsway Drive facing eastbound traffic on Kingsway Drive.
2. At the northeast corner of the intersection at Kingsway Drive and Sherwood Drive facing west bound traffic on Kingsway Drive.
3. At the northwest corner of the intersection at Kingsway Drive and Sherwood Drive facing south bound traffic on Sherwood Drive.
4. On the south side of Kingsway Drive where Sherwood Drive intersects with it, facing east bound traffic on Kingsway Drive.
5. Stop signs on all for corners of the intersection of Kingsway Drive and Briar Square/Sunnyside.

6. On the North east corner of the intersection of Briar Square and Kingsway Drive facing westbound traffic on Kingsway Drive.
7. At the northwest corner of the intersection of Briar Square and Kingsway Drive facing southbound traffic on Briar Square.
8. On the South side of Kingsway Drive where it intersects with Briar Square facing east bound traffic on Kingsway Drive.

See diagram of stop sign locations and speeding sign location below.



## **Speed Regulations**

### **§ 60.50 Maximum Limits Generally**

(a) No person shall operate or drive any vehicle on any street within the City at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed in accordance with this chapter.

(b) The City Council, at its discretion, shall have the authority to designate the speed limits on streets within the City of a speed the Council feels is appropriate under the circumstances.

### **§ 60.51 Reduced speed limits**

### **§ 60.52 Maximum limits near schools, churches, and hospitals**

### **§ 60.53 Minimum limits**

### **§ 60.54 Speed limit signs**

### **§ 60.55 Exemptions from chapter**

### **§ 60.56 Reduction of Speed Limit to 15 mph on Kingsway**

- (a) The Speed Limit on Kingsway beginning from FM 3035 west to its terminus is reduced to 15 Miles Per hour.
- (b) The Chief of Police is directed to post the reduced Speed Limit at appropriate locations and enforce that speed limit as required by law.
- (c) A violation of this Ordinance shall be deemed guilty of a Class C Misdemeanor Criminal Offense, and upon conviction shall be punished by a fine as defined in Appendix B “Schedule of Fines” of the Overton Code of Ordinances.



## CHAPTER 61: PARKING

### Section

61.01 Parking regulations for vehicles transporting disabled persons

61.02 No Parking on Helen Street

### **§ 61.01 Parking Regulations for Vehicles Transporting Disabled Persons**

#### (a) Definitions

(1) "Disability" means a condition in which a person has:

(i) Mobility problems that substantially impair the person's ability to ambulate;

(ii) Visual acuity of 20/200 or less in the better eye with correcting lenses; or

(iii) Visual acuity of more than 20/200 with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less.

(2) "Disabled parking placard" means a placard issued under § 681.002 of the Texas Transportation Code.

(3) "Mobility problems that substantially impair a person's ability to ambulate" means that the person:

(i) Cannot walk 200 feet without stopping to rest;

(ii) Cannot walk without the use of or assistance from an assistance device, including a brace, a cane, or a crutch, another person, or a prosthetic device;

(iii) Cannot ambulate without a wheelchair or similar device;

(iv) Is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;

(v) Uses portable oxygen;

(vi) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association;

(vii) is severely limited in the ability to walk because of an arthritic, neurological, or orthopedic condition; or

(viii) Has another debilitating condition that, in the opinion of a physician licensed to practice medicine in this State, limits or impairs the person's ability to walk.

(b) Parking privileges for the disabled

(1) A vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if:

(i) The vehicle is being operated by or for the transportation of a person with a disability;  
and

(ii) There are: a) Displayed on the vehicle special license plates issued under § 502.253 of the Texas Transportation Code; or b) Placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(2) The owner of a vehicle is exempt from the payment of a fee or penalty imposed by the City of Overton, Texas, for parking in a space with a limitation on the length of time for parking if:

(i) The vehicle is being operated by or for the transportation of a person with a disability;  
and

(ii) There are: a) Displayed on the vehicle special license plates issued under § 502.253 of the Texas Transportation Code; or b) Placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(3) This section does not permit a vehicle to be parked at a time when or at a place where parking is prohibited.

(c) Designation of parking spaces

The City or a person or entity that owns or controls property within Overton, Texas, used for parking must designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.

(d) Enforcement

(1) The City, by and through its police department, may file a charge against a person who commits an offense under this ordinance. A person commits an offense if:

(i) The persons do not have a disability;

(ii) The person is not transporting a person with a disability;

(iii) The person parks a vehicle on which license plates issued under § 502.253 of the Texas Transportation Code are not displayed, or a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities;

(iv) If a person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including an access or curb ramp; or

(v) A person lends a disabled parking placard issued to a person who uses the placard in violation of this ordinance.

(2) In a prosecution under this ordinance, it is presumed that the registered owner of the motor vehicle is the person who parked the vehicle at the time and place the offense occurred.

(3) An offense under this section is a Class C misdemeanor punishable by a fine of not less than \$100 or more than \$200.

(4) If it is shown in a trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200 or more than \$300.

(5) A law enforcement officer who believes that an offense under this section has occurred in the officer's presence shall seize any disabled parking placard involved in the offense. Not later than 48 hours after the seizure, the officer shall determine whether probable cause existed to believe that an offense was committed. If the officer does not find that probable cause existed, the officer shall promptly return each placard to the person from whom it was seized. If the officer finds that probable cause existed, the officer, not later than the fifth day after the date of the seizure, shall submit each seized placard to the Department of Transportation.

#### **§ 61.02 No Parking on Helen Street**

(1) That the parking of a motor vehicle is not permitted on either side of Helen Street from Highway 323 North to Cottonwood Street.

(2) It is further ordained that law enforcement officers are authorized to issue a citation to the owner of any vehicle parked on the above described section of Helen Street and have the vehicle towed for failure to comply with this ordinance as permitted by Texas law and Overton City Ordinances.